

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, <u>ex rel.</u> VEN-A- )	
CARE OF THE FLORIDA KEYS, INC., by and )	
through its principal officers and directors, )	
ZACHARY T. BENTLEY and T. MARK JONES, )	Civil Action
)	No 05-11084-MEL
Plaintiff, )	(Consolidated with certain
)	claims severed from No. 00-
v. )	10698-MEL)
)	
DEY, INC.; EM PHARMA, INC.; EMD )	
PHARMACEUTICALS, INC.; LIPHA, S.A.; )	
MERCK-LIPHA, S.A.; and MERCK KgaA, )	
)	
Defendants. )	

**(LEAVE TO FILE GRANTED ON AUGUST 28, 2006)**

**PLAINTIFF VEN-A-CARE'S COMPLAINT ADOPTING UNITED STATES'  
COMPLAINT IN INTERVENTION AGAINST DEY, INC., DEY L.P., INC. AND  
DEY, L.P. AND REQUESTING ADDITIONAL RELIEF**

COMES NOW, VEN-A-CARE OF THE FLORIDA KEYS, INC. (“VEN-A-CARE” or “the Relator”), and through the undersigned attorneys on the Relator’s own behalf and joins the UNITED STATES’ Complaint in Intervention against Dey, Inc., Dey L.P., Inc., and Dey, L.P. (“Dey”), and additionally states as follows:

1. Pursuant to 31 U.S.C. § 3730(c)(1), Ven-A-Care has the right to continue as a party to the action against Dey and elects to exercise that right.
2. Ven-A-Care adopts the United States’ Intervention Complaint as Ven-A-Care’s complaint against Dey and incorporates herein all allegations and requests for relief against Dey as stated by the United States.
3. In addition, the Relator requests that it receive: the maximum share of the proceeds of the action or settlement of the claim provided by law plus reasonable attorneys’ fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, the Relator demands and prays that judgment be entered in its favor against Dey, Inc., Dey L.P., Inc., and Dey L.P. as stated in the Prayer for Relief asserted by the United States in the United States' Complaint against Dey. Furthermore, Ven-A-Care requests that it receive the maximum share of the proceeds of the action or settlement of the claim provided by law plus reasonable attorneys' fees and costs and any other relief available by law.

DATED this 31st day of October, 2006.

Respectfully submitted,

Attorneys for the Relator  
VEN-A-CARE OF THE FLORIDA KEYS, INC.

/s/ Jonathan Shapiro  
Jonathan Shapiro  
BBO No. 454220  
Stern Shapiro Weissberg & Garin LLP  
90 Canal Street  
Boston, MA 02114-2022  
Phone: 617-742-5800

James J. Breen  
Florida Bar No.: 0297178  
Alison W. Simon  
Florida Bar No. 0109568  
THE BREEN LAW FIRM, P.A.  
P.O. Box 297470  
Pembroke Pines, FL 33029-7470  
Telephone: 954-874-1635  
Facsimile: 954-874-1705  
[jbreen@breenlaw.com](mailto:jbreen@breenlaw.com)  
[alisonsimon@breenlaw.com](mailto:alisonsimon@breenlaw.com)

Certificate of Service

I hereby certify that this document(s) filed through the EFT system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 19, 2006.

/s/ Jonathan Shapiro.